



## LEADING CONSPIRATORS IN LAND FRAUD ARE DROWNED

### Hepburn Flood Has Prominent Part in Frauds

### LAND VALUED \$100,000

### Complaint States That William Ayres and P. B. McSwords Met Death in Flood

### SCRIBNER ALSO INCLUDED

### SCRIBNER WHO IS UNDER ARREST With Others Attempted to Carry Out Plot After the Leader's Death But Are Unsuccessful.

PORTLAND, Dec. 28.—A suit instituted by the government in the United States circuit court today for cancellation of 46 patents to tracts of land in Eastern Oregon is interesting because of the fact that the Heppner flood played an important part. The defendants named are J. W. Scriber, S. W. Spencer, Asa B. Thompson, Harrison Hale, Vawter Crawford, C. W. Rea, David Wilson, Alfred Coolidge, trustee; Frank Melvin, A. S. Crowder and A. M. Ross. The land is valued at about \$100,000. The complaint alleges that in March, 1903, William Ayres, P. B. McSwords, Spencer Hale, and others conspired to defraud the government out of lands which are described in the complaint under the timber and stone laws.

On June 14, 1903, the complaint states, that William Ayres and P. B. McSwords were drowned in the Heppner flood. These, the complaint asserts, were the principal conspirators, and those left, did not desire or were unable to carry out the conspiracy and thereupon Scriber, Spencer, Thompson, Wilson and Hale undertook to carry it out. After giving alleged details the complaint declares that in 1904, in order to further prevent the government from recovering the title to the lands certain of the defendants organized at Spokane, the Washington & Northwest Timber Company, which took over the title to the property secured by the defendants. The Scriber alluded to, is the former cashier of the defunct Farmers & Traders Bank at La Grande, who is under arrest, on a charge of converting the funds of the bank to his own use. In the course of the complaint the statement is made that "Vawter Crawford, as county clerk, and Geo. W. Rea as United States commission-

er, took the final proofs hereinbefore mentioned with full knowledge and notice of the fraudulent character of said entries."

### TARIFF REVISION.

WASHINGTON, Dec. 28.—The work of preparing the revised tariff bill was resumed by the sub-committee of the house of ways and means committee today. Two meetings were held and there is every likelihood that the tariff framing committee, which will continue to hold daily meetings until time comes to report the bill to congress at a special session in March.

### MRS FINCH INTRODUCED IN FISHER CASE

### SAYS SHE TOLD HUSBAND TO PURCHASE REVOLVER ON DAY OF TRAGEDY.

### GOES TO THE JURY TODAY

### Deputy Attorney Dunning Testifies That he Searched Fisher's Office Shortly After the Shooting But Failed to Find Notary Seal.

PORTLAND, Dec. 28.—The case of James A. Finch, charged with the murder of Ralph B. Fisher, prosecutor for the state bar association, will probably be in the hands of the jury some time tomorrow afternoon. Today the defense concluded taking testimony, with the cross-examination of Miss Vera Burkhardt, Fisher's stenographer and the introduction of Finch's sick wife. Mrs. Finch swore that she requested her husband to purchase a revolver on the day of the shooting. In her cross-testimony, she stated that she possessed a revolver at the time the shooting occurred. In its rebuttal testimony, the state introduced Detective Frank Beatty who swore that Finch had told him shortly after the shooting that Fisher had threatened him with a revolver. Deputy Coroner Dunning who testified that he searched Fisher's office after the shooting but found no notary seal; G. Everett Baker, Fisher's law partner who testified that the seal was later found in Fisher's desk and two witnesses who swore that they observed no signs of an abrasion on Finch's head after the shooting.

It will be remembered that in this evidence Finch swore he shot Fisher after the latter had hit Finch over the head with a notary seal. Two of the closing arguments in

the case were made after the state finally rested. Special Prosecutor Spencer for the state argued for a verdict of murder in the first degree. W. W. Holcomb of counsel for the defense argued that the prosecution had failed to make out a complete chain of evidence, that it had shown no motive but that on the contrary all the evidence showed that Finch had been subjected to persecution.

### WOULD LEND THE BELL.

PHILADELPHIA, Dec. 28.—Mayor Rebyrn is in favor of granting the request of the Portland Rose Festival and Yakon-Alaska Pacific Exposition authorities that the Liberty Bell be permitted to journey to the Western Coast for the opening of the festival at Portland, Or., in June.

"Certainly nothing can happen to it," declared the Mayor, "and it is only right that we should allow the historic relic to be shown to people all over the country. The distance is great, but I do not see how that will make any difference. There are many Western people who never saw the bell, and it would be a good thing to show it to them. It is a matter of education, and I am heartily in favor of sending it out. The expense amounts to something, but I believe enough could be raised by subscription to cover that end of the question."

The request reached Mayor Rebyrn Thursday, December 17, and was read in the Council and referred to the committee on city property.

### MISS ETHEL'S DEBUTE.

WASHINGTON, Dec. 28.—Miss Ethel Roosevelt tonight made a formal bow to society preceding the dancing in the East Room of the White House which began at 10 o'clock. Mrs. Roosevelt and Miss Roosevelt received guests in blue room.

### SOUTH IS NEARLY ALL PROHIBITION

### OVER HALF OF ITS AREA IS NOW ABSOLUTELY "DRY."

### MOVEMENT STILL GOES ON

On January 1, North Carolina, Alabama and Mississippi go Dry, and Active Fight in Tennessee, Kentucky and Other States.

WASHINGTON, Dec. 28.—A wave of prohibition has swept with such remarkable effect over the South that the new year opens upon a vast stretch of territory absolutely bereft of liquor, while the area where anti-prohibitionists have triumphed, marks the battleground for impending fights on the question.

More than half the South's territory is "dry" absolutely and in the remaining area the sale of intoxicants is restricted.

State-wide prohibition laws become effective on January 1 in North Carolina, Alabama and Mississippi. Prohibition advocates in Louisiana have suspended their fight to test the new Gay Shattuck law for the regulation of the liquor traffic.

Tennessee is the chief center of interest among the other states where state-wide prohibition fights are in progress. The prohibitionists say that a state-wide bill will pass the legislature which they expect to organize and control. Kentucky, the second largest distilling state in the Union, with 119 counties, has but four in which the sale of liquor is not prohibited.

Virginia presents a string of victories for anti-saloon elements, as prohibition now exists in 80 of the state's 101 counties.

In Texas where more than half the counties have accepted prohibition, the voters soon will be called upon to vote upon a constitutional amendment for prohibition.

## T. J. HAINS HAS GOOD CHANCE

### Strong Witnesses for Defense Testify

### SCORES TWO POINTS

### Exhaustive Cross-Examination of Defendant's Witnesses Fail to Shake Them

### THORNTON MORE CONFIDENT

### When Hains Returned to Jail he Declared That the Evidence of the Day Proved Him Innocent—Captain Hains Alone Responsible.

FLUSHING, N. Y., Dec. 28.—Defense scored two material points in evidence developed in Thornton Hains' trial today, in which defendant's counsel assert to disprove the charge that the author was a principal with his brother in the killing of Annis. Exhaustive cross-examination of the two witnesses for the defense left the main points of their testimony unshaken and Thornton Hains returned to jail tonight declaring that the evidence proved him innocent.

Testimony that Thornton did not go to Bay City to kill Annis but to look at property was testified to by Charles Weaver, sales agent of the Haines Concrete Mixer Co., who further declared that it was at his urgent invitation that Hains brothers on August 15 postponed the trip to inspect real estate. Weaver almost sobbed on the stand when he said that he felt responsible for sending the Hains brother on the journey that ended in the death of Annis. The mental condition of Captain Hains previous to the shooting was testified to by Weaver, who asserted that from the actions of the army captain he believed him to be irrational.

The second material point brought out by the defendants today was drawn from John Tierney, a garbage collector, who said he was an eye witness of the tragedy. Tierney declared that Captain Hains had ceased firing before his brother went up and down the float and the defendant did not draw his revolver until Charles Roberts, a club member, advanced toward Captain Hains with the captain's revolver in his hand. Tierney said that Thornton did not point his revolver at anyone on the float, but called for an officer to arrest his brother. He did not see Mrs. Annis on the float. A severe cross-examination did not make Tierney waver any essential.

In Arkansas two-thirds of its area or 75 counties are dry and the question of state-wide prohibition will be presented to the voters for decision.

### CUT THE JAPS' HAIR.

How Y. M. C. A. Workers Got a Foothold During the War.

CHICAGO, Dec. 28.—Haircuts helped Christianity to maintain a comfortable foothold in Japan where previous to the Japanese-Russian war it had been hardly tolerated. It was through the work of the Y. M. C. A. that the Japanese changed their opinion of the Christian religion to a marked degree, according to C. V. Hibbard, who has charge of the Y. M. C. A. work with the Japanese army. In an account of how the supply of Bibles and tracts gave out after the battle of Mukden and attention was diverted to the care of the wounded, Mr. Hibbard says: "It was a little awkward for us at first, but we soon

got so that we could cut about 15 heads of hair an hour. We devoted our entire time to cleaning the wounded soldiers, shaving them and cutting their hair. They used to wake us up in the night, begging for a trim and finally our skill became so widely advertised that we had to give out numbered tickets.

### NEW MATCH PENDING.

Seattle Man Wants a Chance to Meet Kaufman or Barry.

LOS ANGELES, Dec. 28.—If Dr. Roller of Seattle wants to fight the winner of the Kaufman-Barry fight in this city all that is necessary for him to do now is to deposit his money with some reputable newspaper in Seattle and the match will be considered as made. Manager Baron Long of the Jeffries Club says Dr. Roller can have a chance to fight the winner of the Barry-Kaufman fight that is to be pulled off Wednesday night. At a meeting yesterday between Delaney and Murphy, representing Kaufman and Barry, respectively, and Manager Long, it was agreed that Roller's proposition looked good enough to accept. He offers to bet \$1000 and split the fighters' end of the money 75 and 25 per cent of the money.

### TOO MUCH POLITICS.

Surveyor McCarthy Must Either Quit Republican Committee or Resign.

BOSTON, Dec. 28.—Surveyor J. J. McCarthy, of the Port of Boston, today received a letter from Secretary Cortelyou notifying him to sever his connection with the Republican city committee of Boston or resign the surveyorship. It is understood that representations have been made to the treasury department that McCarthy is displaying unwarranted activity in political matters.

## NEW TELEPHONE PLANT BEING CONNECTED UP

Just as fast as Superintendent E. B. Jackson, of Portland, and nine skilled mechanics can finish the enormous detail, and as fast as the material can reach this city from New York, Chicago and San Francisco, the general equipment of the new home-station of the Pacific Telephone Company, on the south side of Exchange street between Eleventh and Twelfth streets, is progressing an hourly taking on definite and interesting shape.

The snug little two-story building, solid, well-built, cemented and heavily timbered and floored, has the appearance of a beehive, with the mass of wiring and standard mechanism ordained for the telephone business, and the unpracticed eye is soon lost in the seeming confusion that prevails. Of course there is no confusion, since every bewildering atom and item is of exact and well computed utility and has its place in the scheme of appointment and service, but only a sharply trained expert can discern the efficacy of the thousand and one that lie about at loose ends.

One enters the building via the main reception room and the home of the long distance booths; and turning to the right enters the operating room, where the big multiple, common battery switchboard is fast taking on its calculated connections. This is the great feature of the institution, and will always be. It is of steel and glass and wood and is destined to serve 4000 subscribers, though its appointments at present will cover but about one-fifth that number. Every number on the board is served with a tiny electric light, the rays of which respond instantly with the taking down of the receiver on the subscriber's telephone at the home or in the office; there will be no more ringing up central; it is to be a matter of merely taking down the receiver, and getting an instant response; and what is more, the very fact that one's wire is grounded or short-circuited, causes the light to beam so that the accident is made known to the people at the central station, though the subscriber may not realize that anything has happened; a circumstance that will serve all

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## LOSS OF LIFE AND DAMAGE IN ITALY BEYOND ESTIMATE

### DEWEY IS 71 TODAY.

WASHINGTON, Dec. 28.—Admiral George Dewey, hero of Manila Bay and ranking officer in the Navy, celebrated his 71st birthday Saturday, more than 10 years after the exploit which made him world-wide famous. Still vigorous in mind, the aged Admiral is not enjoying the best of best of health, having been suffering for the past six weeks with a bad attack of sciatica. He therefore spent the day at his home, many of his intimate friends calling to pay their respects and to tender their congratulations.

### KILLS ACTOR HE FINDS WITH HIS WIFE

### BERT EDWARD DURY SHOT DEAD BY BERT BELL, IN DENVER.

### WIFE ESCAPES SAME FATE

### Mrs. Bell Otwits Enraged Husband by Climbing up the Fire Escape—She is Later Arrested and Taken to Jail in Hysterical Condition.

DENVER, Dec. 28.—Bert Edward Dury, whose stage name was Byron Allerton, who has been playing at the Chrystal Theatre, was shot through the head and instantly killed this afternoon at a rooming house by Bert Bell, who escaped but was later captured. Witnesses claim that Mrs. Bell, who was in the room with Dury escaped the same fate by climbing up the fire escape to the third floor of the building. She was arrested and taken to jail in a hysterical condition.

### SICKNESS STOPS TRIAL.

UNION CITY, Dec. 28.—The sudden illness of one of the defendants in the night rider cases caused suspension of the trial this afternoon. The state had completed its testimony and rested. The defense laid the foundation for an alibi and proposes to put all defendants on the stand and corroborate their testimony by members of their families.

## PRESIDENT STARTED PITTSBURG SCANDAL

### It is Believed Roosevelt Was Instrumental in Pressing Investigations of Pittsburg Grafting

PITTSBURG, Dec. 28.—In connection with alleged bribing of councilmen by bankers to secure deposits of city funds, it is said that the plan followed was to have the banks' New York correspondent forward an amount of the alleged corruption fund to another Pittsburg bank to the credit of the councilmen negotiating the bribery deal, he to make distribution to the other councilmen. Some of the most wary councilmen operated through safety deposit boxes but others wrote checks against the fund. It is said that a number of these checks will be presented in evidence, difficult.

### One Dispatch States That 300 Are Killed

### MANY VESSELS SINK

### Tidal Wave Which Follows Earthquake Causes the Most Damage

### COMMUNICATION CUT OFF

### Owing to the Fact That All Telegraph and Telephone Wires Are Destroyed it is Even Impossible to Obtain an Approximate Estimate of Havoc.

ROME, Dec. 28.—The latest dispatches from Messina state that two-thirds of the city is destroyed by the earthquake. Many are killed and injured. Graves news has been received from the province of Reggio where the earthquake wrought great havoc.

ROME, Dec. 28.—Three provinces of Calabria, Catanzaro and Reggio di Calabria, comprising the department of Calabria which forms the southwestern extremity of Italy, or the "Toe of the Boot," were devastated today by an earthquake, far reaching effects of which were felt almost throughout the entire country. The town of Messina in Sicily was partly destroyed, and Catania was inundated. In Messina, hundreds of houses have fallen and many persons have been killed.

Owing, however, to the fact that telegraphic and telephonic communication was almost entirely destroyed, it is impossible to obtain even approximate estimate of the damage but reports received here up to a late hour tonight indicate that the havoc has been great and the destruction to life and property more terrible than Italy has experienced in many years. All reports show that the present catastrophe embraces a larger area than the earthquake of 1890. The tidal wave which followed the shocks on the coast of Sicily sank vessels and inundated the larger part of Catania.

LONDON, Dec. 28.—A dispatch received here states that 300 persons are killed as a result of the earthquake at Messina.

It is known that a number of persons were killed at that place, but the

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## EIGHT KILLED IN HEAD ON COLLISION

### Work and Freight Trains Crash Together Owing to a Misunderstanding of Orders

GREAT FALLS, Dec. 28.—As a result of a head-on collision between a freight train and work train on the Great Northern this afternoon, eight men are dead and four seriously injured. The wreck occurred because the freight which was coming north did not stop at Mid Canyon siding to allow the work train to pass, but who is to blame has not yet been determined. The work train had orders to pass the freight at Mid Canyon. The freight, which was heavily loaded, was met by the work train on the curve. Conductor Drake and brakeman from Great Falls.

Egan, who were on the caboose jumped, but the bridge carpenters in the caboose did not have that chance. Seven of them were killed and the other two badly injured. The engine of the work train being in the rear did not leave the track. The engine of the freight was thrown over the embankment toward the Missouri river. The fireman and engineer were carried over with it, the fireman marvelously escaped, and crawled out through the cab window after it stopped rolling. Engineer Morrisey was killed. The dead and injured all came